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SUPERFUND DIVISION

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

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Superfund

Dear Herculanum CAG Core Team Leaders:

I am writing in response to your letter dated April 19, 2005, regarding Doe Run's current haul route through the city of Herculanum. The department agrees with many of the factual points and arguments in your letter, and we appreciate the opportunity to respond to your requests. Following are responses to each of the requests enumerated in your letter, through which I address and elaborate on many of the other points made in your letter.

1. *"Beginning immediately, MDNR should sample weekly along the current haul route for better data on lead in road dust."*

The department is confident of the quality of the road dust and other sample analytical data produced by the U. S. Environmental Protection Agency (EPA). The EPA's data, to date, show an increase in lead concentrations on the Main Street haul route. We believe weekly road sampling and analyses would provide little additional confidence in the upward trend in road dust lead concentrations and loading that we agree is occurring.

Because of the department's many and varied functions protecting public health and the environment for all Missourians, and budgetary constraints, we do not have the resources (funding, staff, laboratory capacity, etc.) to collect road dust samples from multiple sample locations in Herculanum and analyze them on a weekly basis.

2. *"EPA should set a road standard for lead."*

The EPA will respond to this issue.

3. *"Doe Run should repave the haul roads so that lead levels are equivalent to non-haul route levels, as required by the April 2002 State Settlement Agreement."*

The provisions for the Transportation and Materials Handling Plan (TMHP) in the April 26, 2002, Settlement Agreement were intended to resolve Corrective Actions 1, 2, and 3 of the September 25, 2001, Order to Abate and Cease and Desist Violations issued to Doe Run by the department. The department has struggled to convince Doe Run to implement effective measures to prevent contamination in Herculanum related to transportation and materials handling processes. This has ultimately resulted in the department's November 16, 2004, notice of disapproval of the current Herculanum smelter TMHP.



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Corrective Action 2 in the Abatement Order contained provisions for road re-paving. The department believes that re-paving haul roads remains a potentially viable corrective action alternative, and it was most recently mentioned in our November 16, 2004, notice of disapproval of the TMHP. However, we also believe that effective improvements to transportation and materials handling and other facility processes must be implemented to prevent releases of lead contributing to contamination of road dust and soil and the total lead load in the community. In the absence of such measures, new pavement will quickly become recontaminated.

Re-paving is one of many actions the department has suggested to Doe Run in numerous letters and meetings for reducing contamination of road dust and other environmental media within the context of the TMHP. Doe Run has responded to the department's notice of disapproval of the TMHP with letters dated December 17, 2004, and March 9, 2005, which briefly describe actions the company is taking to evaluate and improve transportation processes. The department has recently responded to these letters, and a copy of our response is enclosed.

4. *"MDNR should repost signs in Herculaneum to warn of lead dust in the streets."*

Street signs were posted in Herculaneum in 2001 based largely on the determination of the Missouri Department of Health and Senior Services (DHSS) of an imminent and substantial endangerment to public health due to extremely elevated levels of lead contamination, and the DHSS's request that the Department of Natural Resources take all necessary and appropriate actions to eliminate this source of exposure. Doe Run and the state agreed in paragraph 16 of the Settlement Agreement that the street signs posted in 2001 would be removed once the EPA approved the Transportation and Materials Handling Plan, and Doe Run began following it. Doe Run has implemented many controls attempting to minimize contamination in Herculaneum from smelter, transportation, and material handling processes.

Although lead levels in road dust are still unacceptably high, they are not at the extreme concentrations and volumes that were present when DHSS declared an imminent and substantial endangerment in Herculaneum in 2001. The incidence of childhood blood lead elevations has been reduced dramatically since that time. Many residents in the VPP area have moved, so there are fewer people living near the plant at risk of exposure. Doe Run, under oversight by the EPA and the department, has conducted soil cleanups in many residential yards within a 1.5-mile radius of the smelter. Doe Run has met the National Ambient Air Quality Standard (NAAQS) for lead for the last two years, with the exception of the first quarter 2005.

Because of these and other actions, the state and federal health agencies have determined that there is currently not an imminent and substantial endangerment to residents of Herculaneum.

However, the department's analysis of soil recontamination sample analytical data indicates that statistically significant soil recontamination is occurring within about 0.75 mile of the smelter. The rates of recontamination calculated by the department may result in soil lead levels exceeding 400 parts per million in only a few years. Guided in part by this soil recontamination monitoring data, we anticipate the department and the EPA will seek additional controls from Doe Run and/or pursue additional actions against Doe Run to prevent conditions from deteriorating to the point of again constituting an imminent and substantial endangerment.

5. *"Doe Run should offer to purchase homes on the residential streets that Doe Run trucks use."*

Currently, the only homes in Herculaneum for which Doe Run is obligated to make purchase offers are those in the Voluntary Property Purchase area defined in the Settlement Agreement. The department has attempted to persuade Doe Run to purchase homes outside the VPP area, including those along the former primary concentrate truck haul route. The company has consistently declined to do so.

Doe Run's current use of the Main Street haul route as the primary haul route for concentrate truck traffic has not been approved by the department pursuant to the Settlement Agreement. However, there are few, if any, other currently feasible alternative concentrate truck haul routes through Herculaneum.

The department considers use of the Main Street haul route for concentrate truck traffic to be unsatisfactory, but only a temporary solution to a difficult problem.

The June 30, 2005, deadline for residents of the Voluntary Property Purchase (VPP) area to decide whether they will accept offers from Doe Run to purchase their properties is rapidly approaching. At that time, there should be a clearer picture of which properties in the VPP area will remain occupied, and which properties will be vacant. We believe this would be an opportune time to resume discussions on available concentrate truck haul routes that maximize use of the VPP area and pass as few occupied residences as possible until another solution is ultimately achieved that results in avoiding residential areas altogether.

It should be noted that continued upward trends in soil recontamination demonstrated by the EPA's soil recontamination sampling and analyses, in addition to speciation and bioavailability sampling and analyses being conducted by the EPA and/or other data may result in additional actions to protect public health and the environment.

6. *"Joachim Bridge should be rehabilitated in addition to the building of a new bridge, so that residential cars will not have to travel along the same route as Doe Run trucks."*

It is our understanding that the existing Joachim Avenue bridge remains available for any traffic not exceeding the weight restrictions. We also understand that current planning includes both rehabilitation/replacement of the existing Joachim Bridge in addition to a new bridge over Joachim Creek to the south. We recommend that you contact the city of Herculaneum for additional information on this issue.

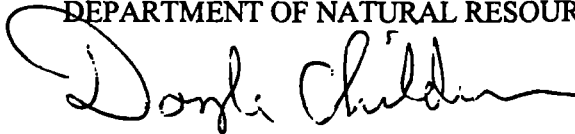
The department respects and appreciates your concerns and active participation in defending the health of your community. I can assure you the department remains vigilant regarding the public health and environmental risks in Herculaneum and nearby areas related to smelter operations. Most of the issues you raise in your letter are being addressed by current actions and/or data collection, or are in the process of being addressed by the agencies. However, in the absence of imminent and substantial risk to human health or the environment, development of the factual and scientific bases for requiring additional corrective actions takes time.

Herculaneum Community Advisory Group
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If you have any questions, or would like to discuss this matter further, I may be reached at (573) 751-4732 or you may contact Mr. Robert Geller of my staff at (573) 751-3176, or in writing at the Hazardous Waste Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Doyle Childers
Director

DC: rhe

Enclosures

c: Honorable Matt Blunt, Governor
 Honorable Christopher S. Bond, U. S. Senator
 Honorable Jim Talent, U. S. Senator
 Honorable Russ Carnahan, U. S. Representative
 Honorable Bill Alter, Missouri Senator
 Honorable Ron Casey, Missouri Representative
 Honorable John Chamis, Mayor of Herculaneum
 Mr. Gene Gunn, U.S. EPA, Region VII
 Mr. Bruce Morrison, U.S. EPA, Region VII
 Ms. Denise Jordan-Izaguirre, ATSDR
 Mr. Jeffrey Zelms, The Doe Run Company
 Ms. Cherri Baysinger, DHSS
 Ms. Leanne Tippet Mosby, DNR APCP

Herculaneum Committee Advisory Group
Core Team Leaders:

Mr. Greg Bieber
453 Thurwell Street
Herculaneum, MO 63048

Ms. Catherine Malugen
441 Main Street
Herculaneum, MO 63048

Mr. Tim Myers
752 Mott Street
Herculaneum, MO 63048

Ms. Carol Miller
465 Thurwell Street
Herculaneum, MO 63048

Mr. Larry O'Leary
202 Dunklin Drive
Herculaneum, MO 63048

Ms. Leslie Warden
11810 County Road CC
Festus, MO 63028